

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 1-21-cv-229

RUSSELL DORVIT )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )                  **JOINT MOTION FOR CONTINUANCE**  
 EAST PENN MANUFACTURING )                  **OF DISCOVERY PERIOD**  
 COMPANY, INC., )  
 )  
 Defendant. )  
 )  
 )

COME NOW Plaintiff Russell Dorvit (“Plaintiff”) and Defendant East Penn Manufacturing Company, Inc. (“Defendant”), by and through counsel, and jointly move the Court for a 30-day extension of the discovery period, pursuant to Rule 26 of the Federal Rules of Civil Procedure.

In support of this Motion, the parties show unto the Court the following:

1. Pursuant to the parties joint Rule 26(f) Report [Doc. 11], as adopted by the Court [Doc. 12], the original deadline for the close of discovery was January 15, 2022.<sup>1</sup>
2. Trial in this matter has been set for the week of October 3, 2022.
3. On October 28, 2021, with Defendant’s consent, Plaintiff moved for an extension of time of the deadline for expert disclosures, and an extension of the close of the discovery until January 31, 2022 [Doc. 15].
4. In the motion [Doc. 15], Plaintiff showed the Court that mediation was scheduled for December 13, 2021, and that the parties otherwise had coordinated their schedules to take

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<sup>1</sup> The Amended Joint Rule26(f) Report, as filed on June 23, 2021 [Doc. 11], incorrectly states the deadline for discovery is January 15, 2021.

depositions “after the mediation, if unsuccessful, in the second and third weeks of January 2022.”

5. On November 2, 2021, the Court granted the extension of time [Doc. 16].

6. The parties have been unable to conduct depositions as planned in the second and third weeks of January, due to delays caused by the meet-and-confer process for resolving disputes over written discovery and inclement weather.

7. Regarding written discovery, on December 10, 2021, Defendant responded to the written discovery requests served by Plaintiff on October 14, 2021. Defendant’s production of documents included those documents BATES-stamped EPM 0001-0919.

8. The parties exchanged discovery deficiency letters on December 14, 2021 (letter from Plaintiff’s counsel) and December 20, 2021 (letter from Defendant’s counsel), and held a telephonic meet-and-confer pursuant to Local Rule 37.1 on December 30, 2021.

9. On January 14, 2022, Defendant supplemented its answers to interrogatories and document production. Defendant’s supplemental production of documents included those documents BATES-stamped EPM 0920-3583.

10. The parties need additional time to take depositions after having the opportunity to review the supplemental responses by Defendant to written discovery.

11. Regarding inclement weather, Defendant issued subpoenas for deposition testimony from two third-party witnesses, Mike Ellis and Josh Hawkins, to be held on January 17, 2022. These depositions were postponed indefinitely in light of winter weather advisories and the forecasted snowstorm. The parties need additional time to reschedule these subpoenaed depositions.

WHEREFORE, Plaintiff Russell Dorvit and Defendant East Penn Manufacturing Company, Inc. jointly move this Court for an extension of the deadline for the completion of all discovery, by thirty (30) days, up through and including March 2, 2022.

Respectfully submitted,

This the 20<sup>th</sup> day of January, 2022.

/s/ Eric Spengler

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